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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,320	11/26/2003	Yang Hwan No	0465-1083P	8405

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BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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RIGGLEMAN, JASON PAUL

ART UNIT	PAPER NUMBER
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1746

NOTIFICATION DATE	DELIVERY MODE
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06/19/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/721,320

Applicant(s)

NO ET AL.

Examiner

Jason P. Riggleman

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1,4,10-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3,5,7-9 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)                  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application        |
| Paper No(s)/Mail Date _____  | 6) <input checked="" type="checkbox"/> Other: <u>Foreign reference</u> . |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant's amendments, filed 3/27/2007 have been received. Current pending claims are claims 1 and 3-18. Claims 1, 3-4, 6-7, and 10-12 are currently amended. Claims 5, 8-9, and 13 are original. Claims 14-18 are new. Claim 2 is cancelled.

### ***Remarks***

2. It is suggested that the applicant claim washing machine structure (tub, drum, etc.) in the body of the claims to support the preamble.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 10, 12, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (Korean Patent Application Publication KR 2002058542) in view of Flumignan et al. (US Patent No. 4431884).

5. Kim teaches a control panel 10 of a washing machine (see English abstract). A display panel has on the front side of a frame with a buttons 12. A display substrate 40 in rear of the display panel having at least one switch 33 thereon. A first switch lever 50 has one end fixed to a backside of the display panel receives the external force to rotate about a first non-movable pivot point (rotation fixing part 51). A lever structure is

between the corresponding button and switch to operating the switch by receiving an external force applied to the button, Figs. 3a-3b. The first lever is rotatably coupled to a backside of the display panel. A button protrusion is formed at a bottom 12a of the button 12 to be brought into contact with the first lever 50. When the external force stops the lever structure is spaced apart from the switch, Figs. 3a-3b. An elastic part (elastic recovery element 55) is located between the display panel and the lever structure.

6. Kim does not teach a second lever coupled with the first lever, rotating about a second non-movable pivot point to turn on/off the switch when the first lever rotates; however, Flumignan et al. teaches a lever 144 which has a non-moving pivot point 142, Fig. 5B and a bent central-portion (near the intermediate pivot portion). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim with Flumignan et al. to create a ganged-lever system such that the first lever actuates a second lever in series and thereby extends the reach of the lever system and allows the buttons to be located further away from the switches.

7. In regards to claim 18, Kim does not teach that the button is spaced apart from the switch lever when the external force is applied to the button stops; however, it has been held that an obvious choice in design is unpatentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim to create a button which retracts away from the lever to create a long-lasting control panel button assembly with minimum static tension.

8. In regards to claim 13, Kim as modified by Flumignan et al. does not teach a reinforcing rib at the bent part for rigidity reinforcement; however, it has been held that an obvious choice in design is unpatentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim to create a rib reinforced bent part which is durable.

9. Kim as modified by Flumingnan et al. does not teach a first lever protrusion; however, it has been held that an obvious choice in design is unpatentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim as modified by Flumignan et al. to create button which applies the desired torque to the first lever (which can be accomplished by modifying the travel distance of the button) to achieve the desired result.

10. Kim as modified by Flumingnan et al. does not teach an elastic member between the display panel and the lever structure; however, it has been held that an obvious choice in design is unpatentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim as modified by Flumignan et al. to place use a lever spring-pushing mechanism rather than a lever spring-pulling mechanism to achieve the desired result.

***Response to Amendment***

11. The objections to the drawings and specification (abstract) are withdrawn in view of the applicant's amendments filed 3/27/2007.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection. In view of the applicant's amendments, the provisional double patenting rejection of claim 1 and the 112, second paragraph, rejection of claims 10-11 are withdrawn. Also, the 102 (b) rejection of claim 1 over Fujiyama is withdrawn in view of the amendments. The 103 (a) rejection of claims 2-5 and 7-13 over Fujiyama in view of Mironenko et al. is withdrawn in view of the amendments. The 103 (a) rejection of claim 9 over Fujiyama is withdrawn in view of the amendments.

***Allowable Subject Matter***

13. Claim 6 is allowed.

14. Claims 3, 5, 7-9, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

15. In regards to claims 5-6, Kim as modified by Flumingnan et al. does not teach or suggest backside display panel lever fixing parts perforated with holes.

16. In regards to claim 3, a connection between the two lever bodies is not suggested by modified Kim.

17. In regards to claim 7, no suggestion to modify elastic member such as to attach to display panel and second lever.

18. In regards to claim 16, to modify Kim as claimed would destroy the function of the lever.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman  
Examiner  
Art Unit 1746

JPR



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PRIMARY EXAMINER